



151 WEST 42ND STREET 49TH FLOOR NEW YORK, NY 10036
T 212.307.5500 **F** 212.307.5598 www.Venable.com

August 16, 2023

T 212.370.6289
F 212.307.5598
MBallard@Venable.com

VIA ECF

Hon. Arun Subramanian
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St. New York, NY 10007-1312

Re: ***Playboy Enterprises International, Inc. v. Playboy Enterprises, Inc., et al., U.S. District Court Southern District of New York - Civ. No. 21-cv-06419***

Dear Judge Subramanian:

We represent Plaintiff Playboy Enterprises International, Inc. (“Plaintiff”) and write to provide the Court with a brief background concerning the above captioned matter and an update pursuant to the Court’s August 15, 2023 Order (“Order”).

On July 28, 2021, Plaintiff filed this case against numerous defendants to enforce Plaintiff’s registered trademarks and registered copyrights against counterfeiters operating online and in multiple U.S. states. Plaintiff’s research uncovered the defendants had registered fraudulent entities with five different states, created at least two infringing websites, and attempted to dupe potential licensees into believing the defendants are affiliated with Plaintiff when they are not.

On August 9, 2021, the court granted a temporary restraining order and expedited discovery. On August 13, 2021, the court converted the temporary restraining order into a preliminary injunction. On October 30, 2021, Plaintiff moved to amend the complaint and applied for a temporary restraining order against the newly added defendants. On November 5, 2021, the court granted a temporary restraining order and expedited discovery. The hearing to convert the temporary restraining order into a preliminary injunction was held on November 12, 2021, and the court converted the temporary restraining order into a preliminary injunction. The preliminary injunction has been served on all defendants. All defendants named in the action have failed to respond.

Plaintiff also served a third-party subpoena on a third party, Ms. Olivia Liu, to obtain information concerning the notarization of the Fraudulent Statement of Information filed by the defendants related to this action. Ms. Liu responded to that production and executed an affidavit in support of a motion to modify the preliminary injunction. On April 27, 2022, Plaintiff moved to modify the preliminary injunction to invalidate the documents notarized by Olivia Liu on behalf of defendant King Wong, and to enjoin specific entities associated with the defendants’ counterfeiting scheme, namely Xiaotusky (Shenzhen) Biological Technology Co., Ltd. The documents notarized by Olivia Liu on behalf of King Wong authorized third parties to use Plaintiff’s registered trademarks without Plaintiff’s authorization. Plaintiff’s motion to modify the preliminary injunction was granted on May 6, 2022. Plaintiff has served the modified preliminary injunction order on the defendants. All defendants named in the action have failed to respond.



August 16, 2023

Page 2

Plaintiff sought and obtained an Entry of Default as to the defendants on June 6, 2023. Plaintiff has served the Entry of Default on the defendants. All defendants named in the action have failed to respond.

Plaintiff will file a motion for default judgment next week requesting default judgment against the defendants in order to obtain a permanent injunction and monetary damages. Disposition of Plaintiff's request for default judgment will resolve the case.

Respectfully submitted,

/s/Marcella Ballard

VENABLE LLP
Attorneys for Plaintiff Playboy Enterprises
International, Inc.